

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
HARRISBURG, PA

OCT 19 2004

Kim Smith  
Plaintiff

MARY E. D'ANDREA, CLERK  
Per [Signature]  
Deputy Clerk

vs.

James Morgan, et al.,  
Defendants

C.A. No. ~~01-0817~~ 1: CV-01-0817  
Judge Caldwell

MOTION FOR COURT ORDER

And now comes Kim Smith a lay person not lettered in legal matters and without the aid of counsel prays a less stringent standard be applied to this pro-se pleading and request for court order, avers the following:

1. Plaintiff forwarded a copy of Dr. Rabinowitz records for plaintiff's hepatitis C condition to be admitted into the record and to be considered in the pro-bono coordinators determination.
2. Pro-bono coordinator refused to except this medical information of the on going treatment of plaintiff for his hepatitis C condition, and inabled plaintiff from submitting evidence in this civil action against Dr. Kort.
3. This act denied plaintiff his ability to present his case, as Dr. Rabinowitz took the require testing, and biospy of plaintiff liver to determine any damage and treatment plan. This information was very important and need to make an adequate review of this case and plaintiff's condition.
4. It is requested that this court issue a order directing Dr. Rabinowitz, Center for Liver Diseases, 200 Lothrop St., Pgh. Pa. 15213 or Dr. Rabinowitz & Ciesrelka, 51/3 Liberty Ave., Pgh. Pa. 14224 to provide the court with the record of his office. Since the Pennsylvania Medical Society was dependent on the information provided by

the defendants plaintiff obtained his own expert witness of his condition to be used in any determination of this case, and the refusal of pro-bono counsel to except this information was knowingly and intentionally done with the deliberate intent to deprive plaintiff his ability to obtain a fare determination. And since plaintiff was no examined by any of the parties that reviewed the medical information Dr. Rabinowitz report is needed as this is the Doctor who tested, biospy, took blood and made a treatment plan and is in a better place to make a determination then that of those who never saw or treated plaintiff, as this was plaintiff's on going heath care professional for his hepatitis C condition and this information should have been used in this determination.

Wherefore it is requested that this honorable court issue a order directing Doctor Rabinowitz provide the court with a copy of plaintiff's medical file, including the information sent his office by State Correctional Institution Coal Township.

Date: 10-9-04

Respectfully Submitted



**PROOF OF SERVICE**

I certify that on or about October 10, 2004 I place in the institutional mail box a envelop containing plaintiff's request for court order to be sent to the blew list parties, by way of the United States Postal Service, ( by 1 st. class mail). I certify the forgoing is true and correct to the best of my knowledge and understanding, and subjected to the penalties provided for under 28 U.S.C. § 1746.

Date: 10-9-04

  
Plaintiff

Office of the Clerk, United States District Court, Middle District of Pennsylvania

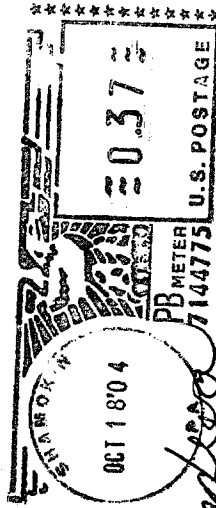
Mr. Talaber Esq. Camp Hill Pa.

Dr. Rabinowitz, Center for Liver Diseases, 200 Lothrop St., Pgh. Pa. 15213

Kim Smith

Name Kerry Smith  
Number C12162  
1 Kelley Drive  
Coal Township, PA 17866-1021

INMATE MAIL  
PENNSYLVANIA  
DEPT OF CORRECTIONS



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